

IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE
Cookeville Division

In re:)
JOHN MAXWELL,) Case No. 12-02901-KL2-7
Debtor.)

NOTICE OF MOTION TO DISMISS CASE PURSUANT TO § 707(a).

THE DEADLINE FOR FILING A TIMELY RESPONSE IS: May 29, 2012

**IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: June 28, 2012 AT 9:30 A.M. AT
L. CLURE MORTON FEDERAL BLDG. & POST OFFICE, 9 BROAD STREET, COOKEVILLE, TN 38503**

The United States Trustee for the Middle District of Tennessee, Region 8, has asked the court for the following relief: **Dismissal of this case under § 707(a).**

YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to grant the attached motion, or if you want the court to consider your views on the motion, then on or before May 29, 2012, you or your attorney must:

1. File with the court your written response or objection explaining your position at:
Electronically: <https://ecf.tnmb.uscourts.gov> (Required for registered Filers and Users who have accepted electronic notice in this case).
By Mail: US Bankruptcy Court, 701 Broadway, Room 160, Nashville, TN 37203
In Person: US Bankruptcy Court, 701 Broadway, 1st Floor, Nashville, TN
(Monday - Friday, 8:00 A.M. - 4:00 P.M.)
2. **Your response must state that the deadline for filing responses is May 29, 2012, the date of the scheduled hearing is June 28, 2012 and the motion to which you are responding is Motion to Dismiss Under § 707(a).** If you want a file stamped copy returned, you must include an extra copy and a self-addressed, stamped envelope.
3. You must also mail a copy of your response to:
Beth Roberts Derrick, Assistant United States Trustee, 318 Customs House, 701 Broadway, Nashville, TN 37203 and on the debtor(s), the debtor(s)'s attorney and the Chapter 7 Trustee (at the addresses reflected on the Certificate of Service attached to the motion).

If a timely response is filed, the hearing will be held at the time and place indicated above.

THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE. You may check whether a timely response has been filed by calling the Clerk's office at 615-736-5584 or viewing the case on the Court's web site at <www.tnmb.uscourts.gov>. If you received this notice by mail, you may have three additional days in which to file a timely response under Rule 9006(f) of the Federal Rules of Bankruptcy Procedure.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Signature: /s/ Charles M. Walker
Name: CHARLES M. WALKER
Address: TRIAL ATTORNEY BPR #19884
Office of the United States Trustee
318 Customs House, 701 Broadway
Nashville, TN 37203
Tel: (615) 736-2254
Fax: (615) 736-2260

Email: Charles.Walker@usdoj.gov

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE
Cookeville Division**

In re:)
JOHN MAXWELL,) Case No. 12-02901-KL2-7
Debtor.)

**THE UNITED STATES TRUSTEE'S MOTION
TO DISMISS CASE PURSUANT TO 11 U.S.C. § 707(a)**

1. John Maxwell, the debtor, filed a voluntary case under Chapter 7 of the Bankruptcy Code on March 26, 2012.
2. As of May 8, 2012, the debtor had not made available to the United States Trustee a copy of his federal income tax return as required by 11 U.S.C. § 521(g)(2). The United States Trustee requested a copy of the federal tax return via emails to the debtor's counsel on April 25, 2012, April 30, 2012, and May 2, 2012. The first date set for the meeting of creditors was May 9, 2012.
3. The debtor has not provided to the United States Trustee a copy of his payment advices or bank statements as of May 8, 2012. According to U.S.C. § 521(a)(1)(B)(iv), payment advices or other evidence of payment received within 60 days before the date of the filing of the petition, by the debtor or from any employer of the debtor are to be provided when the bankruptcy petition is filed or within 14 days thereafter. Rule 1007(c) FRBP. Three emails were sent to the debtor's counsel on April 25, 2012, April 30, 2012, and May 2, 2012 requesting pay advices or bank statements.
4. The tax return and the pay advices are essential to the United States Trustee's required analysis under 11 U.S.C. § 704(b)(1). However, despite repeated requests, the documents have not been provided to the United States Trustee.

WHEREFORE, the U.S. Trustee respectfully requests that this Court dismiss this case under § 707(a) of the Bankruptcy Code and for such other relief as may be appropriate.

Respectfully submitted,

SAMUEL CROCKER
UNITED STATES TRUSTEE, REGION 8

/s/ Charles M. Walker
CHARLES M. WALKER
TRIAL ATTORNEY BPR #19884
Office of the United States Trustee
318 Customs House, 701 Broadway
Nashville, TN 37203
Tel: (615) 736-2254
Fax: (615) 736-2260
Email: Charles.Walker@usdoj.gov

CERTIFICATE OF SERVICE

I certify that on May 8, 2012, a copy of the attached Notice, Motion and Proposed Order were sent by electronic and/or first class mail, postage prepaid to the following parties:

John Maxwell 799 Spring Park Drive Cookeville, TN 38501	Jon David Rogers Rogers Law Group 131 Indian Lake Road Suite 208 Hendersonville, TN 37075	John C. McLemore PO Box 158249 Nashville, TN 37215
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/s/CHARLES M. WALKER

CHARLES M. WALKER

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE
Cookeville Division

In re:

JOHN MAXWELL,

Debtor.

Case No. 12-02901-KL2-7

Judge Lundin

ORDER DISMISSING BANKRUPTCY CASE

This matter is before the Court on the United States Trustee's Motion to Dismiss Pursuant to § 707(a). Notice of the motion was properly served in accordance with Federal Rule of Bankruptcy Procedure 2002 and Local Bankruptcy Rule 9013-1. The 21-day objection period referenced in the motion has expired. The Debtor has not filed a response to the motion or the objection has been overruled or withdrawn, therefore,

IT IS ORDERED that this bankruptcy case is dismissed pursuant to § 707(a).

This order was signed and entered electronically as indicated at the top of the first page.

Submitted by:

SAMUEL CROCKER
UNITED STATES TRUSTEE, REGION 8

/s/ CHARLES M. WALKER

CHARLES M. WALKER
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